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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,090	07/29/2003	William R. Wheat	31223/00011	6383

25264 7590 11/10/2004

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HOUSTON, TX 77267-4412

EXAMINER
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NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/629,090

Applicant(s)

WHEAT ET AL.

Examiner

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. In the Office Action mailed May 11, 2004, the Examiner had rejected claims 22-40 as shown in the PTOL 326 item number 6 under Disposition of Claims. However in the paragraph 2 of the Detail Action of the Office Action show rejection of claims 22-31 due to typographical error. The Examiner apologizes for any inconvenience caused by this typographical error.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 22-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer et al (U.S. Patent 5,573,717) in view of Shiga et al (U.S. Patent 4,355,144), Reid (U.S. Patent 4,692,380) and McAlpin et al (U.S. Patent 5,468,440) for the reasons of record set forth in paragraph 2 of the Office Action mailed May 11, 2004 (Paper No. 20040418).
4. Applicant's arguments filed August 16, 2004 have been fully considered but they are not persuasive. In reference to rejection of claims under 35 USC § 103 (a) as being unpatentable over Peiffer et al (U.S Patent 5,573,717) in view of Shiga et al (U.S. Patent 4,355,144), Reid (U.S. Patent 4,692,380) and McAlpin et al (U.S. Patent 5,468,440), applicants mainly argue that Peiffer et al fail to disclose an isotactic propylene-ethylene copolymer containing no more than 1 wt% ethylene in the isotactic polymer structure and further fails to disclose the addition of a processing modifier as called for in claims. Further applicants state that Peiffer et al's voided layer is in the form of an interlayer in a multi-layer film. This voided layer would not have an

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exposed surface in which the processing modifier is operative. Applicants allege that the propylene-ethylene copolymer disclosed in Shiga et al is not disclosed to be an isotactic polymer and the copolymer in Shiga et al would not appear to be useful in the void layer of Peiffer et al. Further applicants state that Peiffer et al teach amount of an amorphous polymer typically more than 40 wt% and pointed to column 3, lines 44-55.

Applicants', with respect to Reid and McAlpin et al, state that it is unclear how these additional references enter into the proposed combination of prior art teachings.

These arguments are unpersuasive because Peiffer et al's voided layer is not limited as an interlayer. It can be a surface layer as pointed in the Office Action. Peiffer et al's amorphous polymer include applicants' modifier. Peiffer et al at column 3, lines 44-55 teach composition of master batch not the amount of the amorphous polymer in the voided layer. Peiffer et al clearly disclose the amount of the amorphous polymer at most 40 wt% preferably 1 to 30 wt% in the voided layer (column 4, line 64 to column 5, line 6). The Examiner agrees that Shiga et al do not state that their copolymer is an isotactic polymer. However, Shiga et al also do not disclose that their copolymer is an amorphous polymer. Shiga et al disclose that an amorphous polymer has low commercial value (column 1, lines 30-34). Therefore, Shiga et al's copolymer deemed to be an isotactic propylene-ethylene copolymer. Shiga et al teach improved stretchability without sacrificing Young's modulus and other physical properties. McAlpin et al also teach propylene homopolymer or copolymer with comparable shear modulus and heat distortion temperature values to those of conventional polypropylene but the fabrication of the article is achieved at much lower temperature than for conventional polypropylene. Therefore it is obvious to utilize teaching of Shiga et al, Reid and McAlpin et al in the invention of Peiffer et al to produce single

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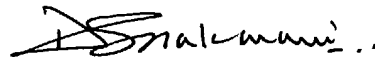
or multi-layer voided film with a polymer having good stretchability as taught by McAlpin et al and to metallize film as taught by Reid.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7 a.m. to 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.S. Nakarani/dh  
November 4, 2004

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**